

E-Filed on November 16, 2006

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Attorneys for Standard Property Development, LLC

**UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

In re:

USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

Chapter 11  
 Jointly Administered Under  
 Case No. BK-S-06-10725 LBR

In re:

USA CAPITAL DIVERSIFIED TRUST DEED  
 FUND, LLC,  
 Debtor.

Bankruptcy Appellate Panel

In re:

USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 Debtor.

No. \_\_\_\_\_

In re:

USA SECURITIES, LLC  
 Debtor.

Affects:

- All Debtors
- USA Commercial Mortgage Co.
- USA Securities, LLC
- USA Capital Realty Advisors, LLC

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USA Capital Diversified Trust Deed  
 USA First Trust Deed Fund, LLC

**AMENDED<sup>1</sup> NOTICE OF APPEAL**

1. Notice is hereby given that the (check only one box)

Plaintiff       Defendant      or       Other Party

Movant, Standard Property Development, LLC, appeals under 28 U.S.C. §158(a) from the Order Denying Motion for Relief from Automatic Stay filed by Standard Property Development of October 19, 2006 and entered on the docket on the 30<sup>th</sup> day of October, 2006.

2. The names of all parties to the judgment, order, or decree appealed from and the names, addresses, telephone and fax numbers of their respective attorneys are as follows:

(a) USA Commercial Mortgage Company and USA Capital First Trust Deed Fund, LLC represented by:

Lenard E. Schwartzer, Nevada Bar No. 0399  
Jeanette E. McPherson, Nevada Bar No. 5423  
Schwartzer & McPherson Law Firm  
2850 South Jones Boulevard, Suite 1  
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Email: bkfilings@s-mlaw.com

(b) Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC, represented by:

Frank A. Marola, Esq.  
Eve H. Karasek, Esq.  
Christine M. Pajak, Esq.  
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1901 Avenue of the Stars, 12<sup>th</sup> Floor  
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<sup>1</sup> Amended solely to attached a copy of the Order Denying Motion for Relief from Automatic Stay filed by Standard Property Development from which the appeal is taken as provided by BAP R. 8001(a)-1.

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and

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Candace C. Carlyon, Esq.  
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(c) OFFICIAL COMMITTEE OF EXECUTORY CONTRACT HOLDERS OF

USA COMMERCIAL MORTGAGE COMPANY, represented by:

Gerald M. Gordon, Esq.  
Brigid M. Higgins, Esq.  
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(d) OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS OF USA

CAPITAL DIVERSIFIED, represented by:

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(e) OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR USA

COMMERCIAL MORTGAGE COMPANY, represented by:

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(f) STANDARD PROPERTY DEVELOPMENT, LLC:

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Dated: November 16, 2006

/s/Andrew M. Brumby

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ATTORNEYS FOR STANDARD PROPERTY  
DEVELOPMENT, LLC



1  
2      Entered on Docket  
3      October 30, 2006  
4  
5

A handwritten signature in black ink, appearing to read "R. B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

6      Lenard E. Schwartzer, Nevada Bar No. 0399  
7      Jeanette E. McPherson, Nevada Bar No. 5423  
8      SCHWARTZER & MCPHERSON LAW FIRM  
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14     Attorneys for Debtors and Debtors-in-Possession

15     **UNITED STATES BANKRUPTCY COURT**  
16     **DISTRICT OF NEVADA**

17     In re:  
18     USA COMMERCIAL MORTGAGE COMPANY,  
19     Debtor.

Case No. BK-S-06-10725 LBR  
Case No. BK-S-06-10726 LBR  
Case No. BK-S-06-10727 LBR  
Case No. BK-S-06-10728 LBR  
Case No. BK-S-06-10729 LBR  
Chapter 11

20     In re:  
21     USA CAPITAL REALTY ADVISORS, LLC,  
22     Debtor.

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

23     In re:  
24     USA CAPITAL DIVERSIFIED TRUST DEED  
25     FUND, LLC,  
26     Debtor.

**ORDER DENYING MOTION FOR  
RELIEF FROM AUTOMATIC STAY  
FILED BY STANDARD PROPERTY  
DEVELOPMENT, LLC**

**(AFFECTS USA COMMERCIAL  
MORTGAGE COMPANY and USA  
FIRST TRUST DEED FUND)**

Date: October 19, 2006  
Time: 9:30 a.m.

27     Affects:  
28      All Debtors  
29      USA Commercial Mortgage Company  
30      USA Securities, LLC  
31      USA Capital Realty Advisors, LLC  
32      USA Capital Diversified Trust Deed Fund, LLC  
33      USA Capital First Trust Deed Fund, LLC

34     Standard Property Development, LLC's ("SPD"), MOTION FOR RELIEF FROM  
35     AUTOMATIC STAY (the "Motion") and USA Commercial Mortgage Company's ("USACM"),

1 APPLICATION FOR ISSUANCE OF PRELIMINARY INJUNCTION (the "Application"),  
2 having come before this Court pursuant to the stipulation of the parties and after due notice as  
3 required by law; USACM and USA Capital First Trust Deed Fund, LLC ("First Fund") being  
4 represented by and through its counsel Lenard E. Schwartzer, Esq. of Schwartzer & McPherson  
5 Law Firm and SPD being represented by and through its counsel, Andrew M. Brumby, Esq. and  
6 Lee D. Mackson, Esq. of Shutts & Bowen, LLP, the Court having considered the brief's on file  
7 with regard to the Application and the Motion, the Court having heard the arguments of counsel,  
8 and the Court having ,made its findings of fact and conclusions of law on the record pursuant to  
9 Bankruptcy Rule 7052 and FRCivP Rule 52,

10 IT IS ORDERED that the Motion be, and hereby is, denied.

11 STEPHENS GOURLEY & BYWATER  
12 and  
13 SHUTTS and BOWEN, LLP

14  
15 Andrew M. Brumby, Esq.  
16 Lee D. Mackson, Esq.  
17 300 South Orange Avenue, Suite 1000  
18 Orlando, FL 32802-4956  
19 Attorneys for Standard Property  
20 Development, LLC

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